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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,797	11/06/2000	Martin Kordsmeyer	P00,1794	5189

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EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/674,797

Applicant(s)

KORDSMEYER ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over WO98/11759 hereforth referred to as US equivalent Kamperschroer et al. (U.S. Patent Number 6,539,033).

***Regarding claims 1, 4,*** Kamperschroer et al. discloses essentially all the claimed invention as set fourth in the instant application, further Kamperschroer et al. discloses method for the transmission of data in a hybrid telecommunication system, in particular an "ISDN & RLARR; dect-specific RLL/WLL" system. In addition Kamperschroer et al. discloses method for transmitting service data in predefined radio interface protocol between telecommunication devices, comprising the steps of: transmitting said service data in protocol data units predefined by said radio interface protocol (which reads on column 1 lines 9-12), transmitting a service data unit configured at least as a fragment in each protocol data unit independently of the size of said service data unit (which reads on column 2 lines 6-12), which is configured at least as a fragment, in comparison with the size (which reads on volume) of a free part of said each protocol data unit which is in each case not yet occupied by service data, specifying, in each case (which reads on column 2 lines 4-12), of a respective said service data unit configured at least as a fragment (which reads on column 2 lines 4-12), by a first information item allocated to said protocol data unit (InterWorking Unit IWU1), specify in each case an end of said

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respective service data unit by a third information item allocated to said protocol data unit (which reads on column 2 lines 10-12), together with said second information item in said protocol data unit with said transmission of service data is ended at least temporarily (which reads on column 4 lines 40-45). However Kamperschroer et al. fails to disclose a service data length, which differs from the value "zero", and specifying or allocating a fourth information item corresponding to the value "zero" of the service data length.

Kamperschroer et al. discloses the claimed invention except for a service data length, which differs from the value "zero", and specifying or allocating a fourth information item corresponding to the value "zero" of the service data length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to a service data length, which differs from the value "zero", and specifying or allocating a fourth information item corresponding to the value "zero" of the service data length, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

**Regarding claim 2**, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Kamperschroer et al. discloses a step of transmitting in protected manner said service data (which reads on column 5 lines 63-65).

**Regarding claim 3**, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Kamperschroer et al. discloses arranging said first information item, said second information item and said third information item in front of said service data unit

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which is at least configured as a fragment (which reads on volume), in said respective protocol data unit (which reads on column 2 lines 6-12).

***Regarding claim 5***, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Kamperschroer et al. discloses wherein said data in telecommunication systems is voice or packet data in DECT systems (which reads on column 6 lines 32-34).

***Regarding claim 6***, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Kamperschroer et al. discloses wherein said service data is ended at least temporarily within said protocol data unit (which reads on column 4 lines 40-45).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith  
December 15, 2003

JEAN GELIN  
PATENT EXAMINER

*Jean Allan d Gelin*